

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

RICHARD MCDANIEL,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:10CV0019 JCH

**ORDER**

This matter arises on the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, filed November 5, 2010. See 28 U.S.C. §636. In his report, Magistrate Judge Mummert recommends that the Court affirm the decision of the Commissioner, and dismiss Plaintiff's Complaint with prejudice. Plaintiff was granted until November 19, 2010 to object to the recommendation, but to date has filed no objections.

Upon careful consideration of the Report and Recommendation and the record in this case,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Doc. No. 19) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that the decision of the Commissioner is **AFFIRMED**, and Plaintiff's Complaint is **DISMISSED** with prejudice. A separate Judgment will accompany this Order.

Dated this 22nd day of November, 2010.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE